IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

NOTICE OF MOTION NO.151 OF 2004
IN
SUIT NO.47 OF 2003
IN
PETITION NO.379 OF 2003

WITH

NOTICE OF MOTION NO.152 OF 2004
IN
SUIT NO.48 OF 2003
IN
PETITION NO.380 OF 2003

Feroze H.Bamboat and Anr. .. Petitioners

Vs.

Mr.Pesi Ardeshir Wadia and Ors. .. Defenants

Mr.Ajay Fernandes i/b M/s.R.V.Doshi for the petitioners

Mr.K.K.Shroff i/b M/s.Dhru Co. for the defendant no.2

Mr.D.J.Khambata with Mr.R.I.Chogle i/b Federal Rashmikant for defendant no.1

CORAM : S.U.KAMDAR, J

DATED : 22ND JULY 2005

P.C.:

1. The parties to the present proceedings have tendered the Consent Minutes of Order duly signed by the parties and their Advocates. The said

Consent Minutes of Order dt.22.7.05 are taken on record and marked ’X’ and ’X-1’ subject to certain clarifications:

2. As far as Government Valuer is concerned, Mr.Kishore H.Parkar is appointed as Government Valuer in terms of Clause 1 of the consent minutes of order.In so far as clause 2 of the said consent minutes of order is concerned, public auction provided thereunder will be supervised under the supervision of Mr.Milind Narvekar.

3. It is further clarified that the items in clause 2 and articles which are excluded being sr.no. 4 at page 25 and sr.no.2, 3 and 4 at Page 48 are only excluded for the time being and the same form part of the estate of the deceased unless the defendant no.1 establishes at the hearing of the petition or at any appropriate stage that under the trust constituted under the will the said excluded articles has come to his share and thus out of the purview of the estate of the deceased. In an event of defendant no.1 failing to establish the same the excluded articles shall be deemed to

be the property of the estate of the deceased.

4. Till and until the aforesaid disputes pertaining to the excluded items as set out herein above is concerned is resolved by this court, defendant no.1 shall not encumber, alienate, or dispose or part with possession of the said articles claiming to be part of the said trust. Both the motions are disposed of accordingly. Office to act in accordance with the Consent Minutes of Order.